

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:05CR167
	§	
KEITH SANDLIN	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 31, 2011 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Heather Rattan.

On May 24, 2006, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 80 months imprisonment followed by a 3-year term of supervised release, for the offense of possession of obscene visual depictions of sexual abuse of children. Defendant began his term of supervision on October 20, 2010.

On October 14, 2011, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 35). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia

related to any controlled substances, except as prescribed by a physician; (3) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; (4) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer; and (5) Under the guidance and direction of the U.S. Probation Office, Defendant shall participate in a sex offender treatment program which may include the application of physiological testing instruments. Defendant shall pay any cost associated with treatment and testing.

The Petition alleges that Defendant committed the following violations: (1) On July 13, 2011, August 3, 2011, and August 22, 2011, Defendant submitted urine specimens that tested positive for methamphetamine. Defendant admitted verbally and in writing to the use of methamphetamine. Additionally, Defendant admitted verbally and in writing to using methamphetamine on July 20, 2011; (2) Defendant admitted to using alcohol excessively, and stated he was “hungover” during a home visit conducted by this officer on July 1, 2011; (3) Defendant failed to report for scheduled office visits at the U.S. Probation Office on July 21, 2011, and August 9, 2011; (4) Defendant failed to report for drug testing as directed on April 26, 2011; May 6 and 16, 2011; July 1, 2011; and August 1, 9, 12 and 15, 2011. Additionally, Defendant failed to report for drug treatment at Bob Alterman LCDC in Plano, TX, on August 2 and 9, 2011; (5) Defendant failed to report for sex offender treatment sessions at Summit Counseling in Richardson, TX, on June 27, 2011, July 14, 2011, and July 21, 2011. Defendant underwent a sexual history polygraph examination at Behavioral Measures & Forensic Services, SW, in Dallas, TX, on April 5, 2011, and the result of said examination was “Deception Indicated.” Defendant was scheduled for a follow-up sexual history

polygraph on July 27, 2011; however, this appointment was cancelled as Defendant had contracted a skin infection. The polygraph examination was rescheduled for August 8, 2011, at 3:00 p.m., but Defendant failed to attend.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the October 31, 2011 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months, with 30 months supervised release to follow.

SIGNED this 4th day of November, 2011.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE